

Benjamin J. Ginter, Attorney at Law  
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Tel: 908-272-6565  
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Attorney for Debtor

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IN RE: | UNITED STATES BANKRUPTCY COURT  
| DISTRICT OF NEW JERSEY  
GINA VASQUEZ | CHAPTER 13  
| CASE NO.: 18-32629/JKS  
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DEBTOR. | DEBTORS MOTION TO VACATE  
| DISMISSAL ORDER AND REINSTATE  
| CHAPTER 13 CASE PURSUANT TO  
| FEDERAL RULE OF BANKRUPTCY  
PROCEDURE 9023 AND 11 U.S.C 105  
  
DATE: AUGUST 22, 2019  
TIME: 10:00 AM

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**NOTICE OF MOTION TO VACATE DISMISSAL ORDER AND REINSTATE CHAPTER  
13 CASE PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9023  
AND 11 U.S.C. 105**

To:

Marie-Ann Greenberg  
Chapter 13 Standing Trustee  
30 Two Bridges Road  
Suite 330  
Fairfield, NJ 07004

**Laura M. Egerman**  
RAS Citron, LLC  
130 Clinton Road  
Ste Lobby B, Suite 202  
Fairfield, NJ 07004

**Harold N. Kaplan**  
RAS Citron, LLC

133 Gaither Dr.  
MT Laurel, NJ 08054

**Sindi Mncina**  
RAS Crane LLC  
10700 Abbott's Bridge Road  
Suite 170  
Duluth, GA 30097

**Denise E. Carlon**  
KML Law Group PC  
Sentry Office Plaza  
216 Haddon Avenue  
Suite 206  
Westmont, NJ 08108

At&T Universal  
Po Box 6284  
Sioux Falls, SD 57117

Gm Financial  
Po Box 181145  
Arlington, TX 76096-0000

HSBC  
PO Box 17904  
San Diego, CA 92177

Ocwen Loan Servicing  
1661 Worthington Rd, Suite 100  
West Palm Beach, FL 33409

Prudential  
751 Broad St  
Newark, NJ 07102-3714

RAS Citron  
130 Fairfield Rd  
Fairfield, NJ 07004-2407

Toyota Moto Leasing  
19001 S Western Ave  
Torrance, CA 90501

Toyota Motor Leasing  
19001 S Western Ave  
Torrance, CA 90501-1106

**PLEASE TAKE NOTICE** that on **August 22, 2019 at 10:00 AM** or as soon thereafter as counsel may be heard, the undersigned, Benjamin J. Ginter, Attorney for the Debtor, will move before the United States Bankruptcy Court, district of New Jersey, 50 Walnut St, Newark, NJ 07102 for an order Reinstating Debtors Chapter 13 Case pursuant to Federal Rule of Bankruptcy Procedure 9023 and 11 U.S.C. 105.

**PLEASE TAKE FURTHER NOTICE** that the undersigned shall rely upon the annexed application in support of the relief being sought, together with such oral argument as the Court deems necessary.

**PLEASE TAKE FURTHER NOTICE**, that the relief requested herein does not involve complex legal issues; accordingly, no brief or memorandum of law is being submitted in support of the within Motion.

**PLEASE TAKE FURTHER NOTICE**, that unless responsive papers are timely filed in accordance with local rules and served upon Debtors attorney, this Motion shall be deemed uncontested.

**PLEASE TAKE FURTHER NOTICE**, that pursuant to D.N.J. LBR 9013-1(a), a proposed form of Order is submitted herewith.

Dated: July 3, 2019

/s/ Benjamin J. Ginter  
Benjamin J. Ginter, Esq.  
Attorney for the Debtor

Benjamin J. Ginter, Attorney at Law  
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| FEDERAL RULE OF BANKRUPTCY  
PROCEDURE 9023 AND 11 U.S.C 105  
  
DATE: August 22, 2019  
TIME: 10:00 AM  
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**DEBTORS CERTIFICATION IN SUPPORT OF MOTION TO VACATE  
DISMISSAL ORDER AND REINSTATE CHAPTER 13 CASE PURSUANT TO  
FEDERAL RULE OF BANKRUPTCY PROCEDURE 9023 AND 11 U.S.C. 105**

1. I am fully familiar with this case.
2. I initiated the instant Chapter 13 proceeding by the filing of a petition November 14, 2018 (Case No. 18-32629). The Chapter 13 Plan was confirmed on January 28, 2019. This case was dismissed on June 28, 2019 because I was deficient in my Chapter 13 Plan payments to the Trustee. I have subsequently brought my Plan payments current. I had to deal with some unforeseen expenses which put me in a financial hardship. I did my best to keep up with my Plan payments and post petition mortgage payments but found that I was having difficulty. However, I am in a better financial position right now and ready to keep my Plan payments current going forward.

3. The purpose of this Chapter 13 is save my home. The Plan that I propose will pay back in full the arrears owed to the lender. I need to keep my home as I will have no other place to go.
4. The Court has the authority to grant the relief sought herein Pursuant to Federal Rule of Bankruptcy Procedure 9023 and 11 U.S.C. Section 1.
5. In addition, the Bankruptcy Code grants the Court broad powers to "issue any order, process or judgment that is necessary or appropriate to carry out the provisions of the Bankruptcy Code 11 U.S.C. section 105.

Wherefore, we respectfully request that this Court enter the attached Order pursuant to 11 U.S.C. Section 105 and Federal Rule of Bankruptcy Procedure 9023 to vacate the Dismissal Order and reinstate Debtors Chapter 13 Case.

We hereby certify the foregoing statements made by me are true; I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 3, 2019

/S/GINA VASQUEZ  
GINA VASQUEZ



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Benjamin J. Ginter, Esq  
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Attorney for Debtor

In Re:  
Gina Vasquez

Case No.: 18-32629  
Chapter: 13  
Judge: JKS

**ORDER ON MOTION TO VACATE DISMISSAL OF CASE**

The relief set forth on the following page is hereby **ORDERED**.

The debtor having filed a motion to vacate dismissal of case; and the court having considered any objections filed; and for good cause shown; it is

☒ ORDERED that the motion is granted and the order dismissing case is vacated effective on the date of this order. No actions taken during the period this case was dismissed were subject to the automatic stay or other provisions of the Bankruptcy Code;

IT IS FURTHER ORDERED that any deadline unexpired at the time of dismissal is nullified and reset as follows. Creditors and/or parties in interest have:

1. until the original deadline fixed by the court to file a complaint to object to the debtor's discharge or dischargeability of certain debts, or 60 days from the date of this Order, whichever is later;
2. until the original deadline fixed by the court to file a proof of claim or required supplement, or 60 days from the date of this Order, whichever is later; and
3. until the original deadline fixed by the court to object to exemptions, or 30 days from the date of this Order, whichever is later.

IT IS FURTHER ORDERED that if the meeting of creditors has not been concluded, the debtor must contact the case trustee to schedule a new date for the meeting, and must provide 21 days' notice under Bankruptcy Rule 2002(a)(1) of the new date to all creditors and parties in interest.

IT IS FURTHER ORDERED that if this is a chapter 13 case, and the debtor's plan has not been confirmed, the confirmation hearing is rescheduled to \_\_\_\_\_ at \_\_\_\_\_.

☐ ORDERED that the motion to vacate order dismissing case is denied.

IT IS FURTHER ORDERED that whether the motion is granted or denied, the debtor must, within 3 days of the date of this Order, serve all creditors and parties in interest with a copy of this Order and immediately thereafter file Local Form *Certification of Service*.